

REMARKS:

Claims 1, 6-11, 16-20, 21-23, and 25-27 have been finally rejected under 35 USC 103(a) over Tada (6,662,105) in view of Otting (6,477,372) in a final Office Action dated January 13, 2005, and in an Advisory Action dated June 13, 2005. Claims 2-5, 12-15, and 24 have been finally rejected under 35 USC 103(a) over Tada and Otting in further view of Dennisson (6,324,404) by that same final Office Action and Advisory Action.

Claims 28-31 are added herein, so claims 1-31 are pending in this RCE. The independent claims are amended as follows. Claim 1 is amended to recite "sending voice data from the mobile station through the communication system", and draws support from the written description at page 6, lines 4-7, 17-19 and page 7, lines 17-18 and 25-26. Claim 11 is amended to recite "a wireless transceiver, speaker and microphone for conducting voice communications over the desired communication system" and draws support from the written description as above for claim 1 as well as at page 7, lines 17-24. Claims 21 and 27 are amended to recite a voice communication system and draw support as above for claim 1.

The dependent claims are amended as follows. Claims 2-4 and 12-14 are amended to provide clear antecedent basis in the claims from which they depend. Claim 19 is amended to correct a typographical error as originally filed so that it depends from claim 11 rather than claim 1. These are not done for reasons related to patentability, and the full scope of equivalents should remain available.

New claims 28-31 recite that the desired communication system is the Internet using voice over internet protocol, and draw support from page 6, lines 4-7; page 8, lines 10-12 and 25-29; and page 10, lines 11-13.

While not required, the Applicant submits specific instances of how the amended claims patentably distinguish over any combination of Tada, Otting, and Dennison. Tada is directed to a navigation device, where a map database is maintained at the device (vehicle) and route

guidance data is sent wirelessly to the device from an information center IC (col. 2, lines 3-13). A search selection device within the Tada navigation device selects whether to use route data from the (internal) map database or from the (external) IC (col. 2, lines 20-31). The map data storing section of the navigation device is a DVD (col. 6, lines 50-51), and the current position data system is GPS (col. 6, lines 58-59). The search selection device of Tada is described as within the processing section of the navigation device (col. 2, lines 13-15), and is termed in Fig. 1 a route search location determining section 12d of the mobile body 10 (col. 8, lines 32-40). Because only map and route data passes between the mobile body 10 and the IC 30 for display of the selected route at the navigation device (col. 8, lines 39-41), it is clear that no voice data passes between the mobile body 10 and the IC 30 of Tada. This is especially true because the map and route guidance data from the IC 30 is compared, within the processing section (Tada Fig. 1) of the mobile body 10, to the internal map and route data to determine which one to display. The Tada search selection device is not seen to be operable if the route guidance data from the IC were transferred via voice data or communications to the mobile body.

Regardless of any other specific reference that may be combined with Tada, modifying Tada to use voice data or communications between the mobile body 10 and the IC 30 would render the modified Tada navigation device unsatisfactory for its intended purpose, and would change the Tada principle of operation (col. 1, lines 7-10, 30-32, and line 66 to col. 2, line 2). Each of these are separately and explicitly disallowed for an obviousness rejection. See MPEP 2143.01.

Notwithstanding the above prohibition on modifying Tada, Otting relates to an alternate technology scan that enables controllable interruptions to a system on which a radiotelephone is presently camped (col. 2, lines 36-39), such as between GSM pages (col. 2, lines 43-46). No voice communications occur during these scans, as they are only to determine the existence of other viable networks within range of the radiotelephone, other than that network on which it is presently camped. Otting is cited in the final Office Action and the Advisory Action only for deriving a system selection parameter. Otting therefore does not cure the

shortfall of Tada in that the Tada network cannot be modified to use a voice communications network without rendering it inoperative for the Tada stated purpose (a navigation device that improves precision of a map-matching process, col. 1, line 66 to col. 2, line 2) or changing its principle of operation (comparing maps and routes from the mobile body and the IC).

As to the dependent claims, new claims 28-31 recite that the desired network is the Internet. No reference is seen to teach or suggest this aspect; Tada uses an IC that provides route and map data but no voice communications; Otting searches only for other cellular networks between pages; and Dennison uses a cellular phone's position to make decisions as to cell site selection, frequency selection, and cellular system selection (Dennison, abstract). None are seen to use the Internet for voice data or communications.

As previously argued, Tada also fails to teach or suggest "deriving at least one system selection parameter from the mobile station's location relative to the map by which the mobile station may obtain access to a desired communication system" as recited in claim 1 and similarly in each independent claim. Tada presumes a link to the IC, and using a parameter from Otting in the asserted combination does not result in deriving the parameter from the location relative to the map. Tada does not select a communication system between two or more IC's, but selects which route guidance to display between internal (mobile body) and external (IC) maps and routes. Otting does not base system selection on the position of the radiotelephone on a map. A threshold basis by which to assert obviousness would appear to be that a mobile device accesses one or another communication system *based on its position relative to a map*. Tada has only one communication system, that with the IC, so the position of the Tada navigation device relative to either its internal or IC map is irrelevant any communication system by which it contacts the IC. Otting simply has no map. The combination therefore fails to render even the non-amended claims obvious.

The Examiner is respectfully requested to consider the amended claims and the above remarks, and issue a timely notification of the allowance of claims 1-31. The undersigned welcomes the opportunity to resolve any remaining matters or to clarify any areas of confusion


Appl. No. 09/894,046

RCE dated July 13, 2005

Reply to Advisory Action of June 13, 2005 and Final office Action of Jan. 13, 2005

via teleconference, at the Examiner's discretion.

Respectfully submitted:


Gerald J. Stanton
Reg. No.: 46,008

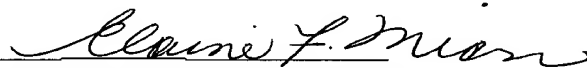
July 13, 2005
Date

Customer No.: 29683
HARRINGTON & SMITH, LLP
4 Research Drive
Shelton, CT 06484-6212
Phone: (203) 925-9400
Facsimile: (203) 944-0245
Email: gstanton@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 13, 2005
Date


Name of Person Making Deposit